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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,916	12/20/2001	Masaya Nagata	1248-0571P-SP	2105
2292	7590	04/21/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,916

Applicant(s)

NAGATA, MASAYA

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/21/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6, 9, 15, 16, 20 & 21 rejected under 35 U.S.C. 102(e) as being anticipated by Motoyama et al (U.S. 6,662,225 B1).

3. As per claims 9, 16 & 21 Motoyama disclosed a service management method managing an application program made up of a combination of a plurality of functions by a computer (col.8, lines 18-21), making said computer carry out the steps of: detecting that a specific function is selected or performed (col.12, lines 28 & col.12, lines 35-46); and writing number of detection of said detected function in a management file which records usage conditions of said plurality of the functions (col.12, lines 63-67 & col.13, lines 1-2).

4. As per claims 6, 15 & 20 Motoyama-Horvitz disclosed a service management method managing an application program made up of a combination of a plurality of functions by a computer (col.8, lines 18-21), making said computer carry out the steps of: detecting that a specific function is selected or performed (col.12, lines 28 & col.12, lines 35-46); and updating a

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management file which records usage conditions of said plurality of the functions so as to distinguish said detected function from an undetected function (col.15, lines 21-35).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama et al (U.S. 6,662,225) and Horvitz et al (U.S. 6,262,730 B1).

7. As per claims 1, 3, 5, 12, 13, 14, 17 & 18 Motoyama disclosed a service management program for managing a software package made up of a combination of plurality of functions including a function for carrying out processing to transmit/receive information via a network, by a computer (col.8, lines 18-21, col.8, lines 54-67 & col.9, lines 1-21), provided for: receiving usage conditions of the functions of said software package from a device in which said software package is installed via the network (col.12, lines 6-28, col.12, lines 35-46. However Motoyama did not explicitly disclose making said computer carry out processing to transmit a message for

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promoting use of a function which is indicated in the usage conditions as a function used less than a predetermined number of times, to said device.

In the same field of endeavor Horvitz disclosed making said computer carry out processing to transmit a message for promoting use of a function which is indicated in the usage conditions as a function used less than a predetermined number of times, to said device (col.23, lines 61-67 & col.24, lines 1-23).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated promoting use of a function indicated in the usage condition to have be used less than predetermined number of times as taught by Horvitz in the service management program disclosed by Motoyama in order to make the service management system more versatile in term of providing assistance and making it more user friendly.

8. As per claim 2 Motoyama-Horvitz disclosed the service management method as set forth in claim 1, wherein: said predetermined number of times is set as not less than twice (Motoyama, col.3, lines 3-7, col.12, lines 63-67 & col.13, lines 1-2).

9. As per claims 7 & 10 Motoyama-Horvitz disclosed the service management method as set forth in claim 6, further making said computer carry out the step of: displaying data which includes at least either of data on a used function and data on an unused function described in said management file (Horvitz, col.2, lines 64-67 & col.3, lines 1-12), on an activation screen of said application program (col.23, lines 61-67 & col.24, lines 1-23)

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10. As per claims 8 & 11 Motoyama-Horvitz disclosed the service management method as set forth in claim 6, further making said computer carry out the step of transmitting data which includes at least either of data on a used function and data on an unused function described in said management file (Motoyama, col.12, lines 6-28 & col.12, lines 35-46).

***Conclusion***

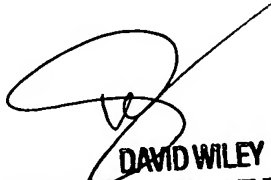
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami  
Examiner  
Art Unit 2143

AB

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
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